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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Qi Yao Chen,) No. CV 09-0451-PHX-JAT (JRI)
10 Petitioner,) **ORDER**
11 vs.)
12)
13 Department of Homeland Security, et al.,)
14 Respondents.)
15

16 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus
17 ("Petition") (Doc. #1) filed pursuant to 28 U.S.C. § 2241. The Magistrate Judge issued a
18 Report and Recommendation ("R&R") (Doc. #13) recommending that the Petition be
19 dismissed without prejudice.

20 Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts
21 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not
22 required to conduct "any review at all . . . of any issue that is not the subject of an objection"
23 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en*
24 *banc*) ("statute makes it clear that the district judge must review the magistrate judge's
25 findings and recommendations de novo if objection is made, but not otherwise" (emphasis
26 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).


27 Accordingly,
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IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (Doc. #13) is **ACCEPTED**;

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) is **DENIED**; and

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

DATED this 1st day of July, 2009.


James A. Teilborg
United States District Judge